



Committee on Community Resources and the Northampton City Council

Committee Members:

*Councilor Dennis P. Bidwell
Councilor Maureen T. Carney
Councilor Alisa F. Klein
Councilor Gina-Louise Sciarra*

Meeting Minutes

Date: October 17, 2016
Time: 5:00 p.m.
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5:00 pm Councilor Sciarra called the meeting to order and announced that the meeting was being audio and video recorded. On a roll call the following Councilors were present: Councilor Bidwell, Councilor Carney, Councilor Klein and Councilor Sciarra. No other City Councilors were present.
2. **Public Comment:** None.
3. **Approval of Minutes from September 19, 2016 Meeting:** Councilor Bidwell moved to approve the minutes of September 19, 2016; Councilor Carney seconded the motion. Councilor Klein noted that a sentence needs to be modified in the minutes as it does not convey her support for a measure that was discussed. The wording concerning using CPA funding for the arts should reflect that the Council cannot alter the purpose of CPA funds; this has to happen at the State Legislative level. If it is identified by arts organizations that they think the Council should move forward to advocate for this, then the Council should advocate for it.

The minutes were approved as amended on a voice vote of 4 Yes, 0 No.

4. **Continue Discussion about CSR Findings and Next Steps**

At the end of the meeting on Sept. 19th, it was decided that the Chair and the Administrative Assistant would sift through the list presented by Jonathan Goldman and break it down into action categories. The result of this is the "Findings" Condensed into Working Areas sheet. The summary is as follows:

Committee Study Request on Downtown Economy "Findings" Condensed into Working Areas

Support Legislation or Other Council Initiatives

- Arts – Explore CPA fund feasibility

- Food Trucks – Review City ordinance for recommendations

OP-EDs/ Resolutions

- “Shop Local / Support Local” message
- Support downtown shopping as an experience
- Emphasize continued support for tax factor of one
- Convey message on Retail Rents
- Support for continued conversation around fair wages that was started by the Committee
- Promote programs that already exist for small business.
- Support efforts to increase Amtrak service and commuter rail

Refer to Other Agencies, Committees, etc.

- Second Floor business visibility (signs, cost, etc.)
- Research where liquor license revenue goes
- Review “Loading Zone” ordinance
- Appeals process for parking tickets – what is is?
- Should Council member participate on PVTA Board?

Convene An Expert Panel

- At-risk people downtown
- Arts –
 - CPA fund feasibility
 - Consider specific suggestions for events & promotions
- Focused session to consider ideas brought forward to boost downtown economy (Chamber, DNA, Arts organizations, etc.) Consider festivals, programming @ Pulaski Park, use of public space, pop-ups, etc.
- What can be done to promote tourism?

Also at the last meeting, the committee discussed Councilor Bidwell and the Chair laying out a path for next steps. The meeting did take place and the result was a proposal for possible next steps on various topics. Councilor Bidwell believes that the work tracks that of the AA/Chair work; his summary includes condensed meaty areas and two fall into the category of convene an expert panel. Councilor Bidwell believes that there is enough overlap between festivals, arts, and tourism promotion that the bullets 2 & 3 under “Convene An Expert Panel” come together. He believes that there is a readiness for a number of groups who recognize that they kind of coordinate but are never all in the same room at the same time. He believes that there may be some merit in encouraging a panel that would then share ideas and perhaps become a working group going forward. Councilor Bidwell had a similar thought about at-risk people in the downtown area. Regarding the panhandling

issue, Councilor Bidwell senses that there is a readiness to tackle it, although not to generate ordinances to manage the situation. There are a lot of good ideas being talked amongst housing organizations and social service organizations. Councilor Bidwell believes that there is a recognition that there is a lot of feeling across a broad spectrum of folks that there needs to be a look at solutions that are being tried in other cities to see if there are opportunities to apply these methods in Northampton. A carefully facilitated forum could be a springboard to an on-going working group. In both instances, Councilor Bidwell does not want to continue with these issues long term in a hands-on working group way. He does think that to convene groups and to encourage their continuation if they see fit would be beneficial. Regarding wage theft, Councilor Bidwell believes that there may be something coming. He is not sure what to do as a committee in the meantime; he would like to see if the legislation comes in the form of an Executive Order, Ordinance, or Resolution. Perhaps the Committee could support the legislation once it comes forward. Councilor Bidwell believes that among the other things that have been learned, and the data that has been gathered, stories that have been heard, there are opportunities to put out op-eds regarding what is believed to be the state of downtown and what is the nature of the additional support that is necessary.

Councilor Carney gave an update about the status of worker issues. She had a chance to meet with the Mayor and the City Solicitor Alan Seewald and Jocelyn Jones. The group talked about a possible ordinance and tried to find out what questions or concerns there might be. The concerns are similar in terms of other issues that have been addressed, in particular, the separation between legislative and executive functions. This became a question on the part of the City Solicitor; he wanted to think on it before giving an opinion. Regardless of whether it was a legislative or executive matter, Councilor Carney stated that the Mayor was comfortable with the idea of adopting policies pertaining to contracts and procurement and tying those to a certification of wage and hour compliance. There were some questions about licenses; the City Solicitor questioned whether legislation in this area would be legal. The plan is for the City Solicitor to get back to Councilor Carney once he has had a chance to speak with people in Boston about this issue. Councilor Carney advises that it may turn out that it would be appropriate for the Council to consider a resolution in support of state legislation and to call on the Mayor to adopt policies and procedures to ensure vendor and business compliance with wage and hour laws. Councilor Carney will send the rough draft to committee members that the City Solicitor is looking at. It will be completely changed to an Executive Order. There are also matters of form that the City Solicitor will need to attend to.

Councilor Bidwell asked at what level the certification of compliance would be done. Councilor Carney stated that what is typically done is when an application comes to the City there is a certification form that will have two check boxes. One checkbox will say that the business conforms to Mass General Laws; the second one will say that the business has adjudicated findings and the business has posted a wage bond. The forms call for self-disclosure which is similar to the certification form that the business completes to certify that it is not in arrears for paying taxes and the form that the business completes stating that they have a workers comp policy. Councilor Klein stated if someone were to come forward with other information that has not been self-disclosed, then someone from the Licensing Commission or a staff member in City Hall would be in touch with the AG's Office. This is what was initially envisioned, however, the process got complicated because of the procurement piece. The Mayor's Office oversees all of the procurement duties; this is how this turned into potentially an Executive Order from the Mayor's Office.

Councilor Carney stated Cyndi in the Mayor's Office processes all of the business licenses and Joe Cook handles all of the procurement documents. In addition to all of the documents that a contractor or vendor needs to submit, there will be an additional form that will have to be submitted. It is a serious matter and it is under the pains and penalties of perjury that the additional documents will be completed. Business owners would need to be careful not to check the wrong box when they submit their paperwork because that could put a license or contract at risk. Councilor Bidwell wanted to be clear that Cyndi or Joe Cook would not have to do their own investigation regarding the information that is filed in on the form; Councilor Carney suggests that the City would have something to say to a contractor who willingly or knowingly checked the incorrect box. It would be a

serious matter. Councilor Bidwell noted that if a case was adjudicated, that information could be easily ascertained. If it were something that required further inquiry to determine who is telling the truth, Councilor Bidwell wondered how this would be handled. Councilor Klein stated that no investigatory measures would be taken on by City staff. The only time that a call to the AG's Office would be triggered would be if someone came forward to City Hall or it came to light that there was a claim of wage theft on a particular vendor that checked off that they didn't have any adjudications. In that case, then a staff person at City Hall would have to be in touch with someone at the AG's Office. Councilor Carney noted that there will be some flexibility and discretion about this. The City Staff would be able to describe to the AG's Office the sequence of events and advise that it might make sense to follow through on this complaint.

Councilor Klein explained that if the Council were to pass a resolution in support of an Executive Order, this would be the way to get the word out so that people who have dealt with a wage theft issue would know to actually file a complaint so that it would go to the AG's Office and the adjudication process would start.

Councilor Klein had a few thoughts: in the two places where Councilor Bidwell suggested convening meetings, regarding arts and the panhandling or at-risk issues downtown, she cautions that assumptions should not be made about what the agencies involved have or haven't done yet; she suspects that in both of these realms, all of the organizations have forums where they meet periodically and talk amongst themselves. If the Council is convening something, it would be appropriate to check with the agencies to see if they are interested in participating and the topic of conversation should be what role the organizations want Council to play and what might the organizations want the Council to do to continue to advocate for whatever the concerns are. Also, if the Council were to convene something that was on-going, then perhaps it might make sense for a member of the Comm. Resources Committee to be a part of that group and work as a liaison back and forth between the convening agencies and the Committee. Councilor Bidwell noted that the suggestions were very much in line with what he was thinking about. The working group will be able to get clear on what the goal is and a member of the Community Resources Committee should be a part of that working group. It may be that the convening group can tackle the identified goals on their own.

Councilor Sciarra stated that if the convened groups were to involve City departments, a meeting with the Mayor would have to take place to discuss these ideas.

Councilor Klein stated that there is a separation between the report and what the purview is of this committee anyway. The Committee may want to move on from the work that is mandated by the report but if the committee were to liaise with agencies, it would be a no-brainer because it is within the purview of this committee to be involved with the arts and the health of downtown.

Councilor Sciarra asked how the committee wanted to proceed.

Councilor Carney added that regarding the topic of wage theft, contractors who came to the public forums advised that they had problems with contractors for the Hospital Hill project. These issues are not included in the rough draft that she will be circulating. That project had received a T.I.F. and Councilor Carney suggested that the policies concerning T.I.F.s may need to be bolstered. There is a published document about T.I.F.s that the Committee might want to take a look at and offer recommendations to the Mayor. Also, for recipients who receive CPA funds, perhaps the policies could reflect the City's desire in this area as well.

Councilor Bidwell stated that ultimately when there is a T.I.F. involved, there is a contract that has been entered into by the City. In the type of Executive Order that would be crafted perhaps language could be added there. Councilor Carney stated that there may be a document that deals with only T.I.F. guidelines.

Councilor Sciarra commented that there had been CPA funds for private historic buildings; Councilor Carney stated that the Christopher Heights project also received CPA funding. Councilor Bidwell asked who the

signatory was on behalf of the City (this question could not be answered by the Committee). Councilor Carney noted that if there was a published document, then the Committee could look at that document to see if that issue is addressed. Councilor Sciarra stated that for the work done on the windows for First Churches would be an example of work done that was not controlled by the City. Councilor Bidwell notes that there is paperwork that is available when the dollars flow from the City to First Churches. This would be the opportunity to look at adding something.

Referring back to the list of "Findings" Condensed into Working Areas, Councilor Sciarra asked the Committee for their thoughts about the list. She wondered what the Committee's next steps might be.

Councilor Bidwell commented that Terry Masterson looks forward to staying engaged in the data gathering process, subject to the Mayor's authorization. Councilor Bidwell reports that Director Masterson had suggested that if the Committee were to address some of the topics, then the Committee might want to wait until year end economic data is available after the start of the New Year. Some of the items don't depend on updated data. Councilor Bidwell recalled that the recently published data provided by the Finance Director shows Hotel and Meals Tax Revenue numbers continue to be very encouraging. That is the kind of data that adds texture to what it is that the Committee is saying; there are stories and then there is the data. The reports offered by the Finance Director offer one measure that looks promising.

Councilor Bidwell suggested that it might make sense sooner rather than later to have a conversation with the Mayor, both with regard to the Executive function involvement in downtown at-risk forum and the arts & events promotion group. He would like to think that the Mayor would be receptive to the arguments made by the Committee and it would be silly to move forward without his blessing. If the Mayor would give his blessing, one would hope that one of his staffers would be made available to help. On the topic of arts, Suzanne Beck has been talking about the idea of convening a group with other agencies like the D.N.A., Center for the Arts, the Academy of Music, etc. Councilor Bidwell states that Ms. Beck would be willing to play a role in helping to convene and perhaps facilitate a working group to plan a forum if the Committee sees that there is value in pursuing that.

Councilor Sciarra would be happy to set up a meeting to discuss this with the Mayor. She suggested inviting him to the next meeting to discuss the Committee's ideas. Councilor Carney suggested that Councilor Sciarra move forward with a meeting with the Mayor; Councilor Bidwell suggested that this might make sense to move the process along. Councilor Klein feels that this would be fine. She is not sure what other kind of business will be referred to the Committee; maybe the Committee could have a different theme each month that is part of the meeting and tackle some of the topics in more of a bite-sized way. Part of what makes Councilor Klein feel overwhelmed is the amount of work that is suggested in the lists that have been generated. While they are only one page, they are pretty meaty areas. Each topic could be presented in a different month, say transportation in November. Councilor Sciarra wondered if there was enough to be covered in the meeting on each topic. Councilor Klein noted that presumably there would be other Committee business to discuss. Out of each monthly meeting she envisions that there would be operational tasks that one or two Councilors would take on.

Councilor Bidwell thought it would be helpful to develop a roadmap of topics that the Committee would cover each month. One possibility in November the Committee could talk about planning the working groups. Also, regarding transportation, there are several issues that (like the parking ticket issue and an also passenger rail—where are we with this?). He notes that some of the things on the list are simple inquiries that can be addressed. Maybe by December the panels would be ready to meet. Maybe in January or February, the arts panels would be ready to meet. Maybe in January when updates are made available by Terry Masterson, then the Committee could talk more in detail about what goes into an op-ed piece.

Councilor Klein suggested that another organizational possibility could be that each Committee member is assigned to a particular realm and then as a group the Committee identifies what the legwork is that needs to be

done. The designated Councilor could then go and figure the pieces out. For instance, one person could be responsible for the arts piece. Another could be responsible for the at-risk downtown folks. The legwork might be to contact all of the possible groups to ask if they would be willing to participate on a forum, or is there already a forum in which interested parties participate. It can take a month just to contact all of the individuals involved. One person could be responsible for all of the transportation related ones. That might mean contacting Nanci Forestall or the Mayor's Office to find out more information and then bringing that back to the Committee. It is hard for the committee to get anything done because so much of what needs to be done has to happen through conversations that don't involve the Committee members. Councilor Bidwell agrees and had envisioned a division of duties by the Committee members. Councilor Klein would like to do the topic on arts, but she recognizes that it might be popular. Councilor Bidwell has had some preliminary conversations about the at-risk panhandling topic; he would be willing to continue with that topic.

Councilor Sciarra asked what it would mean for a Committee member to take on a topic. Councilor Klein noted that the Committee could take more time in this meeting to identify what the next steps are going to be and what each Councilor needs to do. It seems that another topic is the wage theft topic that Councilor Carney is already engaged with. It probably makes sense for Councilor Sciarra to tackle the transportation topic since she is a member of the Transportation and Parking Commission. What is listed under "op-eds" are several topics that appear to be business related. Tourism can fit under business and the arts/events. Then there are topics that don't fit into any one category, such as food trucks. Perhaps each Councilor takes on two things; one broad category and one specific item.

The Administrative Assistant recapped a statement that was made in the Committee Study Request Report that was put together by the Committee Chair. The summary included a statement that the Committee would work to include any practical recommendations and legislation that could be brought back to the full City Council to strengthen the local economy. She questioned if the committee was going to do the recommendations before taking any specific actions. Councilor Sciarra believes that it is important that the committee follow up with a report that summarizes the steps that are being taken. The previous report was about how the Committee collected the data to fulfill the CSR. The next report could indicate that out of the meetings the Committee has developed a list of four major working areas and identify the tasks that the Committee is pursuing. That could then close out the CSR. The AA suggested that perhaps the Council President could assign certain tasks to other committees. Councilor Klein noted that the recommendations could be more like these are the topics that came out of the series of hearings and discussions; these are the ones that we want to pursue or encourage more study, etc. Councilor Klein is worried that if the Committee doesn't continue to pursue the topics as they plan, then there may be something lost in the overarching vision. The only thing that doesn't seem to fit under the Committee's jurisdiction exclusively is the parking/transportation piece. Things that have to do with entertainment, social services and tourism and community resources seem to fit with this Committee. Councilor Klein acknowledged that it was not totally clear about what fit with this committee versus the Committee on City Services. Councilor Carney noted that some of the items can be tackled with a simple op-ed showing support.

Councilor Sciarra reviewed the Committee's jurisdiction as outlined in the City Council Rules. The rules state, "The Committee may develop, review and recommend policies on matters including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others. The Committee may review and make recommendations on licenses and permits. Related departments, boards and agencies include: Arts Council; Planning and Sustainability; Housing Authority; Housing Partnership."

City Services jurisdiction includes, "The Committee may develop, review and recommend policies on matters including public safety and public health, veteran's affairs, social services, libraries, disability, aging and recreation, among others. The Committee shall serve as the standing committee to review all candidates for appointment to boards and commission in accordance with Section 2-10 of the Charter. Related departments,

boards and agencies include: Recreation; Veteran's Affairs; Council on Aging; Forbes and Lilly Libraries; Community and Economic Development; Police; Fire/Rescue; Health Department; Parking Enforcement.”

Councilor Bidwell doesn't feel the need to go back to the full City Council to report on the Committee's recommendations. There is a mandate with a little bit of momentum and Councilor Bidwell would like to proceed as planned. If the Committee were to break it down into discrete tasks and divide up those tasks, then that could work. There is some initial work with the panels, but then hopefully someone other than a committee member would continue facilitating the discussions.

Councilor Carney suggested that regarding panhandling, if the Committee were to convene an expert panel, it is a very controversial topic that will have a lot of interest. Once it becomes a panel, other organizations may want to become involved, like the ACLU.

Councilor Sciarra suggested making list of potential panel members for the two proposed forums. This would also help her in her discussion with the Mayor. When that meeting takes place, she could spell out what the vision is and identify the City departments that the Committee would like to have involved.

Councilor Klein questioned the process and whether the Committee wanted to now move forward with the panels first. Councilor Sciarra explained that she would like to get the Mayor involved in the early stages.

Councilor Carney noted that the Committee is still waiting for input by the City Solicitor for the wage theft item. Councilor Bidwell noted that one approach to tackling the op-ed items was to wait until the Committee had a little more data.

Councilor Klein felt that it could be a little presumptuous of the Committee to put together a vision of what the panels need to look like. Councilor Sciarra explained that the list would be used to ask individuals for their interest level in participating on the panel. Councilor Klein highlighted that if social service agencies need to be involved, there are people who know a lot better than the Committee who should be involved. Councilor Bidwell feels that the names that the Committee generates could be used to ask who the right people are to be involved. Councilor Sciarra stated that her goal is to be respectful of the division of powers in the City. The Council can't compel City employees to participate. The Chair must approach the Mayor before any employee is engaged. Councilor Bidwell agrees that it would be a more productive conversation with the Mayor if the Chair gives him a sense of what is happening. He suggests that Friends of the Homeless should be invited to participate. Alan Wolf has been involved with the DNA. Pam Schwartz has an interest professionally. Councilor Klein recommended Sue Stubbs from ServiceNet.

For panhandling / at-risk:

- Bill Newman
- Peter Ives
- Peg Keller
- Chief Kasper
- Terry Masterson
- A Planning Dept. member
- A member of the Health Department
- Friends of the Homeless
- Pam Schwartz
- Sue Stubbs

Regarding Arts:

- Suzanne Beck

- Brian Foote
- Parks & Recreation Representative
- Terry Masterson
- Planning Representative
- Alan Wolf
- An Arts Trust representative
- A representative from the Center for the Arts

For the next meeting Councilor Carney will bring any new information that she has about the wage theft legislation.

Councilor Bidwell stated that if the Committee is comfortable with him being the liaison to the panhandling/at-risk group and Councilor Klein being the liaison to the arts group, then following Councilor Sciarra's meeting with the Mayor, each Committee member could report on the elements of the working groups coming together.

Councilor Sciarra stated that after she meets with the Mayor she would contact Councilors Bidwell and Klein about the outcome of that meeting.

Councilor Klein asked if Councilor Sciarra was going to move forward with writing up the Committee's recommendations. Councilor Carney stated that she didn't know if this was necessary. Councilor Sciarra suggested waiting on this for a little bit to see how the groups coalesce and also to see if a clearer summary could be written up. Councilor Bidwell agrees. Councilor Carney agreed to research where license revenue goes.

Councilor Klein asked about the op-ed/resolutions action items (except for commuter rail) and wondered if the Committee was planning to wait until the end of the year when the final economic report was available from the Office of Economic and Community Development. Councilor Bidwell suggested that perhaps legislation concerning the tax factor might make sense. Councilor Klein suggested that there was work that could be done about the shop local concept.

Councilor Klein wondered if the expert panel model made sense to apply to the shop local concept. Councilor Sciarra noted that Jasper has been doing a monthly series on shop local at the downtown Serio's Market. He has been bringing in speakers to talk about the topic. Councilor Bidwell feels that the committee has heard a lot of expert opinion and he wonders if this type of information should be circulated in some way. Councilor Klein suggested that tourism may be tied to this as well, however, Councilors Sciarra and Bidwell thought that it was better linked to arts & events and how to make Northampton more of an experiential place.

Councilor Sciarra will be in touch with the Mayor to set up a meeting.

5. **New Business - None**

6. Adjourn – At 6:20 p.m. Councilor Bidwell moved to adjourn the meeting; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By:

P. Powers, Administrative Assistant to the City Council
(413) 587-1210, ppowers@northamptonma.gov